

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

21-cr-10104 (PBS)

VLADISLAV KLYUSHIN,
a/k/a “Vladislav Kliushin”
IVAN ERMAKOV,
a/k/a “Ivan Yermakov,” and
NIKOLAI RUMIANTCEV,
a/k/a “Nikolay Rumyantsev,”

Defendants.

GOVERNMENT’S ASSENTED-TO MOTION TO CONTINUE *DAUBERT* HEARING

With the assent of the defendant, the government respectfully moves to continue the *Daubert* hearing, currently scheduled for January 12, 2023, to January 18, 2023, or as soon thereafter as is convenient for the Court, in the event the hearing proves necessary following additional briefing.

Last night, the defendant filed an 11-page supplemental brief challenging the testimony of financial economist Maxwell Clarke. Together with the brief, the defense for the first time disclosed the report of a proposed rebuttal expert, Michael Cullen, but without disclosing a curriculum vitae for Mr. Cullen or any information about him. The government is currently reviewing the defendant’s filing, and the expert report, and intends to file a supplemental brief responding to it.

The government respectfully submits that its filing will inform any *Daubert* hearing, and may render a hearing unnecessary. Likewise, the government may well challenge the testimony of Mr. Cullen, which could mean that his testimony would also be required in the event of a

hearing. Accordingly, the government respectfully moves to continue the hearing currently scheduled for January 12, 2023, to permit the government to review and respond to the defense's filings, and to permit the Court to review the government's response prior to the hearing and determine whether a hearing remains necessary, and if so, whether Mr. Cullen should also be required to testify.

In addition, the government has obtained additional evidence that may obviate the need for a hearing on the admissibility of the MaxMind geolocation data. The government accordingly requests a continuance of any hearing on that issue pending a determination of whether the government will offer the MaxMind data and, if so, to permit the government a few additional days to identify a MaxMind witness who is available to testify in Boston.

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

By: /s/ Stephen E. Frank
STEPHEN E. FRANK
SETH B. KOSTO
Assistant U.S. Attorneys

Date: January 10, 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Stephen E. Frank
STEPHEN E. FRANK
Assistant U.S. Attorney

